डवलप किया। तो मैं यह जानना चाहूंगा मंत्री महोदय से कि कांडला पोर्ट के चार्जेज में और न्हाव शेवा च र्जेज में कितना अंतर है? यह ज्यादा है या कम है?

श्री मनुभाई कोटाडिया : अध्यक्ष महोदय, कांडला पोर्ट के जो च र्जेज हैं वह लिस्ट आज मेरे पास नहीं है।

श्री अनन्तराय देवशंकर दवे : आप दे देंगे न?

श्री सभापति : आप आपस में बात कर लेना।

श्री अनन्तराय देव शंकर दवे : यह मेजर पोर्ट का क्वेश्चन है। उनके पास जानकारी तो होनी चाहिए।

श्री सभापति : न्हावा शेवा का सवाल है, उसमें पूरे पोर्ट का पूछेंगे तो गड़बड़ हो जायेगी।

SHRI PRAVAT KUMAR SAMANTARAY: It is regretted that the hon. Minister has not correctly replied to the question while assessing the Nhava Sheva Port or Jawaharlal Nehru Port. It is a fact that this Port has been conceived to supplement Bombay Port since Bombay Port is facing congestion. And it is not a fact that the Port came into operation in the year 1989. It was only inaugurated in the year 1989 but functioned prior to that. Will the Minister be pleased to state whether it is a fact that the machinery, imported from South Korea, fitted into the Nhava Sheva Port, is not functioning well? That is the reason why only 8.5 per cent of utilisation of port capacity has been done in the Nhava Sheva Port last year.

SHRI MANUBHAI KOTADIA: Sir, it is a fact that certain machinery is not working well. Since it is a new machinery, since it is a new concept, we are trying to rectify it.

Delay in environmental clearance of the cases sent by the State Governments

*144. SHRIMATI MIRA DAS:
SHRI CHIMANBHAI MEHTA:†

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether Government propose to reduce the delay in environmental clearance of the cases sent by State Governments by eliminating some of the middle level bureaucratic set up, and raising of queries at various stages; and

(b) whether it is a fact that the number of proposals pending from Gujarat are around 20 and a number of them are pending since long?

THE MINISTER OF COMMERCE WITH ADDITIONAL CHARGE OF THE MINISTRY OF LAW AND JUSTICE (DR. SUBRAMANIAN SWAMY): (a) The existing procedure for environmental clearance of development projects is already streamlined and a final decision in all cases where complete details are furnished is taken within a maximum period of three months. In many cases, decision is taken in a much shorter time.

(b) Yes, Sir. Delay in processing and deciding cases is the result of non-submission of requisite data and action plans.

SHRI CHIMANBHAI MEHTA: Sir, the answer in (b) has contradicted the answer in (a) because in the beginning it is said that it takes time in making a decision because answers are not given by the States concerned. Here this is the moot question. You are putting so many queries, intermediate queries; it goes on for years and my precise question is not answered here. There are 20 proposals pending from Gujarat. Since how long are they pending? I have asked this question. Why are they not cleared? Now the

†The question was actually asked on the floor of the House by Shri Chiman Bhai Mehta.

Gujarat Government is not that inefficient that if something is left out, it doesn't clear it. This is the whole bureaucratic approach. I am not saying that Ministers are involved in this, but they are led by them. And what happens is the cost of every project escalates. The cost of Narmada project is escalating because of non-clearance, delayed clearance. Costs of Industrial projects are escalating. Therefore, my question was this: what is the mechanism you are going to work on? The mechanism you have already worked out is not working. Therefore, I ask: Are you going to have a fresh look at it? Well, your own Ministerial man, from the Centre, has to go down and finish the job in three months. It is a national priority, not a question of a State. And when they get the things done otherwise, then there will always be a delay. The bureaucracy does not suffer at all. Because of this delay, it is our people who are suffering; it is our finance which is suffering. Due to this delay cost escalates and taxes increase. So this was a very vital question, but it has been answered by a bureaucrat that there is a complete, comprehensive scheme for clearance. If the clearance is not coming, then there is some delay taking place at some other place. My question is this: why has the delay taken place? That is the question to be thrashed out. Kindly answer comprehensively. I know you are answering this question. Manekaji is very much interested in these things, but anyway, you are quite competent.

SHRI SUBRAMANIAN SWAMY: Sir, there is no contradiction in the answers given. It is quite clear that when the papers are complete, a decision is taken within a maximum period of three months. Of course, it is a fact that because the concept of environmental protection is something new to our country, the people who are to fill these applications are still not used to the various details that they have to provide. In the past they got away with ruining the environment and the atmosphere without a check. Now, there is a check and this is something they are not used to. That is why there seems to be this kind of delay. Sir, for the benefit of the hon. Member and the former Minister I inform him that in each of the cases in Gujarat not 20, there are 22 cases—I have looked at the data and I find that, for example, in the case of the Narmada Thermal Power Station which he mentioned, the clarification and additional data were sought on 20th of February and the reply is awaited. Similarly, on this Gandharv Project Phases 1 and 2, Oil and Natural Gas Commission Project, the full information was submitted only in January 1991 and it has now been processed. Like that, Sir, in each of these projects—I have gone through the synopsis given to me—it is quite clear that there is no deliberate attempt by the bureaucrats to block the progress. It is only that we want to enforce certain discipline on the protection of environment which is good not only for Mr. Chimanbhai Mehta, the hon. Member, but also for his succeeding generation in whose welfare, I am sure, he is quite interested.

SHRI CHIMANBHAI MEHTA: Now, Sir, he has just quoted two examples out of 22. All right.

MR. CHAIRMAN: You do not expect him to read out all the twent-two cases.

SHRI CHIMANBHAI MEHTA: No, no. I am not asking.

MR. CHAIRMAN: He said it is not twenty; but twenty-two are pending.

SHRI CHIMANBHAI MEHTA: That is good. Sir, now the point is that a general question would arise out of this. Out of the proposals that you are getting from States, how many are sent back for further queries and then after those queries come, how much time you take for final clearance? If a particular proposal comes from a State—it is an efficient authority; at least you believe in it—does it take three years, four years? Have you worked out some sort of an average time-lag? Would it be profitable for the nation? Environment is very important. There is no doubt about it. So, in that way he should have given me the answer that it does not take on an average this much time and this is how the proposals are emanating from the States. That answer is not coming. I know that you can answer the way you like. This is the position. So, if you can kindly throw some light on this:

How much time had you taken all these days and now, after the comprehensive scheme you have worked out, how much time have you reduced by that?

SHRI SUBRAMANIAN SWAMY: Sir, of these projects that the hon. Member mentioned, most of them have come in the period of 1990-1991. There is one case of June 1990 and another of October, 1989.

SHRI CHIMANBHAI MEHTA: I am asking about Gujarat.

SHRI SUBRAMANIAN SWAMY: I am answering about Gujarat. I am as interested in Gujarat as you are since my wife comes from there.

MR. CHAIRMAN: Good relationship.

SHRI SUBRAMANIAN SWAMY: Sir, his problem is with the bureaucrats in the Environment Ministry. Sir, in the case of Environment Ministry, we have problems with the bureaucrats of the sending agency. Consequently, if the States which send the projects can train their bureaucrats to efficiently fill in the forms, then within a period of maximum three months the projects will be cleared by the Ministry of Environment.

MR. CHAIRMAN: Shri Sarada Mohanty.

SHRI SARADA MOHANTY: How many proposals of the Orissa Government are pending with the Environment Ministry?

SHRI SUBRAMANIAN SWAMY: Sir, I would require notice on this question.

श्रीमती सुषमा स्वराज : सवाल "क" भाग का जवाब देते हुए मंत्री महोदय ने बताया कि पर्यावरण के दृष्टिकोण से स्वीकृति दिये जाने में कोई विलम्ब नहीं होता। बहुत शीघ्र ही के मामले निपटा दिये जाते हैं। सभापति जी, आप भी जानते हैं और हम भी। भले ही मंत्री जी इस बात को बीस बार और दोहरा दें तब भी हकीकत को कोई झुठलाया नहीं जा सकता। यह हकीकत है कि अफसरों की मेज से फाइलों को निकलने में विलम्ब होना हमारी प्रशासकीय व्यवस्था का एक अभिन्न अंग बन चुका है। इसलिए मैं आपके माध्यम से मंत्री जी से यह आश्वासन चाहूंगी कि जिन मामलों में वांछित सूचना इकट्ठी हो जाती है उसमें तीन महीने भी देर है। क्योंकि पहले वांछित सूचना इकट्ठी करने के नाम पर बहुत देर हो जाती है तो क्या वह इस तरह के विलम्ब को दूर करने के लिए अपने आप कोई समय सीमा निर्धारित करेंगे–कम समय सीमा? पहले तो वांछित सूचना इकट्ठी करने के लिए ही एक महीने से ज्यादा समय नहीं होना चाहिए क्योंकि वांछित सूचना के नाम पर महीनों–महीनों फाइलें अटकी रहती हैं। जब सारी की सारी सूचना मंत्रालय में आ जाए तो उसके बाद 15 दिन से ज्यादा की देरी होना अपने आप में अनावश्यक है, तीन महीने अपने आप में विलम्ब है तो क्या इस तरह का कोई आश्वासन मंत्री जी देंगे कि वांछित सूचना इकट्ठी हो जाने के बाद केवल 15 दिन के अंदर वह केस निपटा दिया जायेगा और सूचना इकट्ठी करने के लिए एक महीने के अंदर-अंदर खत चला जायेगा?

श्री सुब्रह्मण्यम स्वामी : अध्यक्ष जी, जो मंत्रालय के अंदर एक विचार है वह इस प्रकार है कि यदि सारी एप्लीकेशंस ठीक से भर कर आयें तो 6 हफ्ते के अंदर इसका निर्णय देने के लिए प्रयास किया जायेगा। तीन महीने से 6 हफ्ते कर देना यह मंत्रालय का उद्देश्य है। लेकिन मैं यह कहना चाहता हूं कि जो उन्होंने आरोप लगाया है ब्यूरोक्रेसी के बारे में, यह सिर्फ एनवायरनमेंट मिनिस्ट्री पर लागू नहीं होता, यह आमतौर पर होता है, हिमाचल प्रदेश, राजस्थान सरकार और मध्य प्रदेश सरकार पर भी लागू होता है। वहां भी इसमें सुधार करके दिखायें तो हमारे लिए एक आदर्श होगा। **(व्यवधान)**

श्रीमती सुषमा स्वराज : प्रशासकीय व्यवस्था में राज्य सरकारों का नाम लेकर विषयान्तर नहीं कर सकते। सीधा-सीधा जवाब दीजिए कि प्रशासनिक व्यवस्था... **(व्यवधान)**

श्री अटल बिहारी वाजपेयी : यह आपत्तिजनक है। अगर केन्द्र का कोई मंत्री इस सदन में जवाब देने के बजाय यह कहेगा कि आप जहां सरकार चला रहे हैं वहां ठीक करके दिखायें तो ऐसा मंत्री अपने पद पर रहने लायक नहीं है। (व्यवधान)

श्री सुब्रह्मण्यन स्वामी : आप भी सदस्य रहने लायक नहीं हैं (व्यवधान)।

श्री अटल बिहारी वाजपेयी : मैं व्यवस्था का प्रश्न उठा रहा हूं... (व्यवधान)

श्री सभापति : यह व्यवस्था की बात नहीं है ...(व्यवधान)

श्री अटल बिहारी वाजपेयी : यह सदन इस तरह से नहीं चल सकता।

श्री सुब्रह्मण्यन स्वामी : न आपकी धमकी से चल सकता है। (व्यवधान) मैंने यह कहा कि मंत्रालय के प्रशासकों के मुंह पर आरोप लगाया जाता है। मैंने कहा कि आप एक आदर्श प्रस्तुत करके दिखायें ...(व्यवधान)।

MR. CHAIRMAN: Why do you bring in the particular States? You can say about States in general.

श्री अटल बिहारी वाजपेयी : मुझे आपकी व्यवस्था चाहिए। (व्यवधान)

श्री सिकन्दर बख्त : हाउस में बात करने की तमीज होनी चाहिए (व्यवधान)।

SHRIMATI BHOYA CHAKRAVARTY: How can the Minister talk like this? He is a very senior Member.

SHRI SUBRAMANIAN SWAMY: Often it has become a practice to find fault with bureaucrats. (*Interruptions*)

MR. CHAIRMAN: I would request the Minister to see the unnecessary provocation. To choose two or three States which are ruled by the party from which the Member comes is, to my mind, highly improper. And I hope he will not repeat it.

Now Shri Maheswarappa.

(*Interruptions*)

SHRI K. G. MAHESWARAPPA: It is common knowledge that the proposals regarding environmental clearance are unnecessarily being delayed at the Central Government level. The proposals regarding environmental clearance are being inordinately delayed in the Central Government. After long consideration, if the clearance is given, then the case is taken to the High Courts or the Supreme Court and stay orders are given. Government has not taken any steps to expedite clearance of the projects. To quote one instance, in the case of the Sharawati tail-end project in Karnataka, after a good deal of persuation, the Central Government cleared it. Now, the High Court stayed the clearance. Is the Government prepared to take steps to dispose of these cases immediately? Otherwise the matter will be rotting for years in the courts. These are very important power projects and there is shortage of power in Karnataka. The Government should take immediate steps. So many matters are pending in the High Courts and the Supreme Court. I would like to know from the Law Minister what steps are being taken to expedite these projects.

SHRI SUBRAMANIAN SWAMY: The comments are about the delay in courts. Now, since it does not pertain to this Ministry and since you wanted everything to be confined to the Ministry proper, I am afraid this question cannot be answered by me...(*Interruptions*)...

MR. CHAIRMAN: The Central Government should see to the progress of the cases...(*Interruptions*)...

SHRI K. G. MAHESWARAPPA: There may be further delay...(*Interruptions*)

SHRI SUBRAMANIAN SWAMY: The question is about the speeding up of the cases pending on Environment matters in the courts. There are certain proposals pending before the Cabinet. If these proposals are adopted, then certainly the cases will be processed faster... (*Interruptions*)...